

LAW OFFICES
HOLZINGER, HARAK & SCOMILLIO

1216 LINDEN STREET

P. O. BOX 1409

JAMES J. HOLZINGER
PAUL J. HARAK
VICTOR E. SCOMILLIO
DEREK P. RICHMOND

BETHLEHEM, PENNSYLVANIA 18016

TELEPHONE (610) 867-5023
FAX (610) 867-9945

From: James J. Holzinger, Esquire
To: City Council
Re: Blake Street Properties Rezoning Petition
Date: July 31, 2019

This memorandum supplements the Joint Petition ... for an Amendment ... to the City Zoning Map filed on behalf of four landowners. One such owner, Blake Street Properties, LLC has received certain variances from the Zoning Hearing Board to develop six (6) semi-detached dwelling units (twin homes) to front on Blake Street. A subdivision and land development plan is to be filed for approval by the Planning Commission.

The other owners referenced in the Petition, namely Dolores F. and Lewis F. Lengyl, Ada Ruiz and Sarah Maywhert intend to file plans to subdivide the area of their properties requested to be rezoned so that each such zoned area is separate from their main parcel (the area not to be rezoned). It is believed, and therefore averred, that each such subdivided vacant parcel would meet the dimensional standards of the requested zoning change to RG.

Attached is a concept plan for the portions of the four (4) properties for which a rezoning is requested. It reflects the twin homes on the Blake Street Properties parcel (for which Zoning Board approval has been granted), and shows an overall plan of single family detached, single family semi-attached, single family attached and multi-family dwellings for the other three parcels requested to be rezoned.

As set forth in the Petition, the Petitioner believes that this rezoning will facilitate reasonable development of the parcels and act as transitional housing between the multi-family dwellings to the north and the single family homes to the south and west. Petitioner acknowledges that in addition to a rezoning of the properties, subdivision and land development approvals will need to be pursued in the usual manner. Petitioner further believes that the rezoning avenue is a better approach than each Petitioner subdividing their parcels and thereafter, individually seeking variance(s) from the strict application of the requirements the RS Zoning District to facilitate the development shown on the attached concept plan.

JOINT PETITION TO THE CITY COUNCIL OF THE CITY OF BETHLEHEM
FOR AN AMENDMENT TO THE CITY ZONING ORDINANCE
BY REVISION TO THE CITY ZONING MAP

AND NOW, come the Petitioners, Dolores F. Lengyel and Lewis F. Lengyel, by and through their attorney, Joseph J. Piperato, III, Esquire; and Ada J. Ruiz, Sarah Maywhort and Blake Street Properties, LLC, by and through their attorney, James J. Holzinger, Esquire, who jointly petition City Council for the revision of the City's Zoning Map, in the manner set forth below.

1. Petitioners, Dolores F. Lengyel and Lewis F. Lengyel, are the legal owners of 1055-1057 Decatur Street (the "Lengyel Property").

2. Petitioner, Ada Ruiz, is the legal owner of 1021 Decatur Street (the "Ruiz Property").

3. Petitioner, Sarah Maywhort, is the legal owner of 1051 Decatur Street (the "Maywhort Property").

4. Petitioner, Blake Street Properties, LLC, is the legal owner of a property fronting on Blake Street, between the paper street extensions previously known as Washington and Norman Streets (the "Blake LLC Property").

5. The Blake LLC Property fronts on Blake Street, east of Henderson Street, between the Ruiz Property and the Maywhort Property.

6. The rear portion of the Ruiz Property fronts on Blake Street and abuts the Blake LLC Property to the west.

7. The rear portion of the Maywhort Property fronts partially on Blake, and abuts the Blake LLC Property to the east.

8. The "front portion" of the Lengyel Property fronts on Decatur Street, with the "rear portion" enjoying frontage on Linford Street, with the rear portion also abutting the Maywhort Property to the east.

9. By separate application, Ruiz, Maywhort and Lengyel intend to submit subdivision plans to subdivide their respective lots into two parcels each, one vacant lot on each tract to be created to the rear of the developed portion of the existing lots (please see attached Plan).

10. All of the Petitioners' properties are currently zoned RS.

11. The property on the northern side of Blake Street consists of 11.24 acres, is zoned RG, and has on it a townhouse style multi-family dwelling development known as Spring Garden Townhouses.

12. In conjunction with the subdivision of their respective properties, the Petitioners Ruiz, Maywhort and Lengyel request that the northernmost vacant lot to be created on each of their properties be rezoned from RS to RG, with the Petitioner, Blake Street Properties, LLC joining in this request to rezone all of its lot from RS to RG.

13. The Petitioners aver that the extension of the RG Zoning District (A) is not spot zoning (it being a southward continuation of the existing RG zone already existing to the north), (B) would facilitate a more comprehensive development of the parcels (a "piecemeal" development being limited by the existence of the paper streets, and in the case of the Maywhort Property, a lack of full street frontage), and (C) would lend itself to better coordinated public improvements.

14. The Petitioners aver that the proposed request will also act to facilitate transitional housing between the multi-family dwellings to the north and the single family homes to the south.

WHEREFORE, Petitioners pray that City Council revise the City's Zoning Map by rezoning from RS to RG portions of the Ruiz Property, Maywhort Property and Lengyel Property, and all of the Blake LLC Property.

Date: July 2, 2019

Ada Ruiz
Ada Ruiz

Sarah Maywhort
Sarah Maywhort

Dolores F. Lengyel
Dolores F. Lengyel

Lewis F. Lengyel
Lewis F. Lengyel

BLAKE STREET PROPERTIES, LLC

By: Carrie McGeehan LMC
Authorized Member

Carrie McGeehan LMC

13. The Petitioners aver that the extension of the RG Zoning District (A) is not spot zoning (it being a southward continuation of the existing RG zone already existing to the north), (B) would facilitate a more comprehensive development of the parcels (a "piecemeal" development being limited by the existence of the paper streets, and in the case of the Maywhort Property, a lack of full street frontage), and (C) would lend itself to better coordinated public improvements.

14. The Petitioners aver that the proposed request will also act to facilitate transitional housing between the multi-family dwellings to the north and the single family homes to the south.

WHEREFORE, Petitioners pray that City Council revise the City's Zoning Map by rezoning from RS to RG portions of the Ruiz Property, Maywhort Property and Lengyel Property, and all of the Blake LLC Property.

Date: July 2, 2019

Ada Ruiz



Sarah Maywhort



Dolores F. Lengyel



Lewis F. Lengyel

BLAKE STREET PROPERTIES, LLC

By:



LLC

Authorized Member



- LLC

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF NORTHAMPTON)

This foregoing Petition was acknowledged before me on July 2, 2019, by James J. Holzinger, Esquire, Supreme Court Identification Number 40631, as a member of the bar of the Pennsylvania Supreme Court, who certified that he was personally present when Ada Ruiz, Sarah Maywhort, Dolores F. Lengyel, Lewis F. Lengyel and Gavin McGeehan, as Authorized Member of Blake Street Properties, LLC executed the above Petition and that Ada Ruiz, Sarah Maywhort, Dolores F. Lengyel, Lewis F. Lengyel and Gavin McGeehan, as Authorized Member of Blake Street Properties, LLC executed the Petition for the purposes contained therein.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Commonwealth of Pennsylvania - Notary Seal
LINDA C. TOCKET, Notary Public
Northampton County
My Commission Expires April 21, 2022
Commission Number 1167263

Wanda C Tocket

Title of Officer

CB-18-137

July 31, 2019

**MULTI-LOT METES AND BOUNDS DESCRIPTION
FOR
OVERALL AREA TO BE REZONED
CITY OF BETHLEHEM, NORTHAMPTON COUNTY
BLAKE ST. PROPERTIES, LLC**

ALL THAT CERTAIN tract or parcel of land situate along the southerly side of Blake Street, the westerly side of Linford Street, and north of Decatur Street in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

BEGINNING at a point in the southerly right-of-way line of Blake Street (50 feet wide) being the northwesterly corner of lands now or formerly of Ada J. Ruiz;

Thence following said lands now or formerly of Ada J. Ruiz, North 81 degrees 22 minutes 11 seconds East, 160.00 feet to a point being a common corner of lands now or formerly of Blake St. Properties, LLC;

Thence following said lands of Blake St. Properties, LLC, North 81 degrees 22 minutes 11 seconds East, 160.00 feet to a point being a common corner of lands now or formerly of Sarah Maywhort;

Thence following said lands of Sarah Maywhort, North 81 degrees 22 minutes 11 seconds East, 130.00 feet to a point being a common corner of lands now or formerly of Lewis J. & Dolores F. Lengyel;

Thence following said lands of Lewis J. & Dolores F. Lengyel, North 81 degrees 22 minutes 11 seconds East, 175.00 feet to a point in the westerly line of Linford Street;

Thence following the westerly line of Linford Street, South 09 degrees 01 minutes 49 seconds East, 208.69 feet to a point;

Thence following said lands of Lewis J. & Dolores F. Lengyel, South 80 degrees 58 minutes 09 seconds West, 130.00 feet to a point;

Thence in and through said lands of Lewis J. & Dolores F. Lengyel, the following three (3) courses and distances:

1. North 09 degrees 01 minutes 49 seconds West, 30.00 feet to a point;
2. South 80 degrees 58 minutes 11 seconds West, 45.00 feet to a point;
3. North 09 degrees 01 minutes 49 seconds West, 29.91 feet to a point;

Engineering firm of choice since 1972

Visit us at: www.KCEinc.com

Thence in and through aforementioned lands of Sarah Maywhort, South 81 degrees 22 minutes 21 seconds West, 130.00 feet to a point;

Thence following aforementioned lands of Blake St. Properties, LLC, South 09 degrees 01 minutes 49 seconds East, 60.82 feet to a point;

Thence in and through said lands of Blake St. Properties, LLC, South 80 degrees 58 minutes 11 seconds West, 160.00 feet to a point;

Thence following aforementioned lands of Ada J. Ruiz, North 09 degrees 01 minutes 49 seconds West, 81.93 feet to a point;

Thence in and through said lands of Ada J. Ruiz, South 81 degrees 22 minutes 11 seconds West, 160.00 feet to a point;

Thence following said lands of Ada J. Ruiz, North 09 degrees 01 minutes 49 seconds West, 130.00 feet to the point and place of beginning.

CONTAINING: 109,397.41 Square Feet of land more or less.

SUBJECT to any pertinent facts a title search might disclose.

INDIVIDUAL LOT DESCRIPTIONS FOR
AREAS REQUESTED TO BE REZONED

CB-18-137

May 14, 2019

**PROPERTY DESCRIPTION
FOR REMAINING LANDS NOW OR FORMERLY OF
LEWIS J. & DOLORES F. LENGYEL ET AL**

ALL THAT CERTAIN tract or parcel of land situate along the westerly side of Linford Street in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

BEGINNING at a point in the westerly right-of-way line of Linford Street (30 feet wide), said point also being the northwesterly terminus point of said Linford Street;

Thence along said right-of-way line of Linford Street, South 09 degrees 01 minutes 49 seconds East, 208.69 feet to a point;

Thence along lands now or formerly of Stephen J. Kantor, South 80 degrees 58 minutes 11 seconds West, 130.00 feet to a point;

Thence along lands now or formerly of Lewis J. & Delores F. Lengyel ET AL, the following two (2) courses and distances:

1. North 09 degrees 01 minutes 49 seconds West, 30.00 feet to a point;
2. South 80 degrees 58 minutes 11 seconds West, 45.00 feet to a point;

Thence along lands now or formerly of Sarah Maywhort, North 09 degrees 01 minutes 49 seconds West, 179.91 feet to a point;

Thence along lands now or formerly of Townhouse Associates, North 81 degrees 22 minutes 11 second East, 175.00 feet to the point and place of beginning.

CONTAINING: 35,277 Square Feet of land more or less.

SUBJECT to any pertinent facts a title search might disclose.

**PROPERTY DESCRIPTION
FOR
LANDS NOW OR FORMERLY OF
SARAH MAYWHORT
1051 DECATUR STREET
PROPOSED LOT 1**

ALL THAT CERTAIN tract or parcel of land situate south of Blake Street along the easterly side of Norman Street in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

BEGINNING at a point in the intersection of the southerly right-of-way line of Blake Street (50 feet wide) and the easterly right-of-way of Norman Street (30 feet wide);

Thence along lands now or formerly of Townhouse Associates, North 81 degrees 22 minutes 11 seconds East, 115.00 feet to a point

Thence along lands now or formerly of Lewis J. & Dolores F. Lengyel, South 09 degrees 01 minutes 49 seconds East, 150.00 to a point;

Thence along lands now or formerly of Sarah Maywhort, South 81 degrees 22 minutes 11 seconds West, 115.00 feet to a point in the aforementioned right-of-way line of Norman Street;

Thence along said right-of-way line of Norman Street, North 09 degrees 01 minutes 49 seconds West, 150.00 feet to the point and place of beginning.

CONTAINING: 17,250 Square Feet of land more or less.

SUBJECT to any pertinent facts a title search might disclose.

**PROPERTY DESCRIPTION
FOR
LANDS NOW OR FORMERLY OF
ADA I. RUIZ
1021 DECATUR STREET
PROPOSED LOT 1**

ALL THAT CERTAIN tract or parcel of land situate along the westerly side of Worthington Avenue, the easterly side of Hadan Street, and southerly side of Blake Street in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

BEGINNING at a point in the intersection of the southerly right-of-way line of Blake Street (50 feet wide) and the westerly right-of-way line of Worthington Avenue (60 feet wide);

Thence along said right-of-way line of Worthington Avenue, South 09 degrees 01 minutes 49 seconds East, 130.00 feet to a point;

Thence along lands now or formerly of Ada I. Ruiz, South 81 degrees 22 minutes 11 seconds West, 115.00 feet to a point;

Thence along said right-of-way line of Hadan Street (30 feet wide), North 09 degrees 01 minutes 49 seconds West, 130.00 to a point;

Thence along said right-of-way line of Blake Street, North 81 degrees 22 minutes 11 seconds East, 115.00 feet to the point and place of beginning.

CONTAINING: 14,950 Square Footage of land more or less.

SUBJECT to any pertinent facts a title search might disclose.

BLAKE Street Properties LLC

ALL THOSE CERTAIN lots or pieces of land situate in the City of Bethlehem, Northampton County, Pennsylvania, on the Easterly side of Worthington Avenue, being Lots 775, 776, 777 and 778, according to Plan of Lincoln Park, Unit No. 2, recorded in Northampton County Map Book 11, Page 38, bounded and described as follows:

BEGINNING at a point on the Easterly side of Worthington Avenue on the dividing line between Lots 778 and 779; thence in a Northerly direction along Worthington Avenue North 2 deg. 19' West, a distance of 211.73 feet to a point; thence in an Easterly direction North 87 deg. 41' E., a distance of 115 feet to a point on the Westerly side of Norman Street; thence along the same in a Southerly direction South 2 deg. 19' East, a distance of 210.92 feet to a point on the dividing line between Lots 778 and 779; thence along the same South 87 deg. 41' West a distance of 115 feet to the point the place of beginning.

BEING PARCEL N7NW4A/6/1 0204

Tax ID / Parcel No. N7NW4A/6/1 0204